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contrary of these our opinions. Thus hoping that his most Excellent Majestie wilbe pleased to yeald his gratioues supportance to this worthie account, reserved by the devine providence to bee perfected and consumate by his Royal hands: And beseeching your Lordshipps that our humble advisements and requests may receave a favorable acceptance and accomplishment. Wee humbly take our leaves.

Your Lordshipps very humble servants.

James Cittie, the
17th May 1626. (Signed.)

FRANCIS WYATT,
FRANCIS WEST,
ROGER SMYTH,
RALPH HAMOR,
SAM MATHEWES,
WILLM. CLAYTOWNE [Claybourne].

The First Legislative Assembly in America—Sitting at Jamestown, Virginia, 1619.

A stranger visiting, for the first time, our Republic during this year of grateful celebration of the discovery of America, cannot fail to be struck with its millions of people who are educated, intelligent, and prosperous, and who are not only contented with their form of government, but devoted to it. If the visitor be of a philosophical cast of mind, he will enquire for the vital principle which has sustained and developed our civil institutions, and brought them and our people into such happy and prosperous relations. To such an inquiry, he will soon find an answer. He will be informed that the principle which pervades our institutions, and to which we owe our happiness, as a people, is the right of the people to govern themselves, a right exercised through their chosen representatives. The exercise of this right is based upon and stimulates the growth of the intelligence and virtue of the people, and as it involves the right of the majority to rule, it exemplifies the Christian doctrine of the brotherhood of mankind, and of their equality in the sight of God, who is no respecter of persons. It involves also another great principle, namely, that rulers are but servants of the

people; and this was also taught by the founder of Christianity, when he said to his disciples: "Whosoever of you will be the chiefest, shall be servant of all."

The Spaniards and French, who settled in America, brought with them the impress of imperialism, which had cursed the countries from whence they came. The English, on the contrary, who settled these United States, brought with them the free institutions of England, which had grown up under the rights and privileges of the House of Commons, first firmly established in the reign of Edward I. This great monarch not only confirmed the great charter, which had been wrung from the treacherous John at Runymede, but he converted into an established law a privilege of which the people had previously only a precarious enjoyment, namely, the sole and exclusive right of Parliament to levy taxes. The memorable words of this statute, which purports to be the language of the King, were: "Nullum tallagium vel auxilium per nos, vel haeredes nostros in regno nostro, ponatur sue levetur, sine voluntate et assensu archie piscoporum, episcoporum, comitum, baronum, militum, burgensium, et aliorum liberorum hominum de regno nostro." "A most important statute this," says DeLolme, "which, in conjunction with Magna Charter, forms the basis of the English Constitution. If from the latter, the English are to date the origin of their liberty, from the former they are to date the establishment of it; and as the Great Charter was the bulwark that protected the freedom of individuals, so was the statute in question the engine which protected the charter itself, and by the help of which the people were thenceforth to make legal conquests over the authority of the Crown." This powerful weapon of defence and offense was like the sword of the Archangel, of which we are told:

* * * * * "The sword
Of Michael from the armory of God
Was given him tempered so, that neither keen
Nor solid might resist that edge."

With it the English people, after many a stubborn conflict with the Royal prerogative, had, in the beginning of the seventeenth century, so firmly established their political rights, that they were recognized as the freest people upon the earth. Not that their struggle was entirely ended, but so powerful had become the Commons, that usurping Kings found themselves engaged in an unequal conflict, in which a Charles lost his head, and a James his kingdom, and thenceforth the Kings of England were forced to govern according to the provisions of the Bill of Rights, under which the supremacy of Parliament was established.

The English Colonists who first settled in America brought with them, by their charter, all the rights of Englishmen. But local self-government was not accorded to the Virginians at first. They suffered

great hardships under what resembled a military government, until the year 1619, when the Colony was deemed sufficiently grown to warrant an Assembly. In that year Sir George Yeardley arrived with the Commission of Governor-General from the London Company, which had planted and governed the Colony. Among his instructions was one, also called a commission, that brought joy to the hearts of the Colonists. It was, as they described it, "that they might have a hande in the governinge of themselves, it was granted that a general assemblie should be helde yearly once, wherat were to be present the Gov'r and Counsell, with two Burgesses from each plantation freely to be elected by the inhabitants thereof; this Assembly to have power to make and ordaine whatsoeuer laws and orders should by them be thought good and proffittable for our subsistance."

This commission, the real Magna Charter of Virginia, was issued the 28th of November, 1618. That night a flaming comet appeared in the Heavens, which was considered then an ill omen, but which might more properly have been taken as a heavenly recognition of the great boon which had been bestowed on America. The comet was visible till the 26th of December, and the prevailing superstition prevented the sailing of Governor Yeardley till it was safely departed. He, therefore, sailed with his commission and instructions, the 29th of January, 1619, more than a year before the sailing of the Pilgrims.

In accordance with this Commission, in June Governor Yeardley sent his summons all over the country, as well to invite those of the Council of State that were absent, as for the election of two Burgesses from each of the plantations, to meet at Jamestown on the 30th of July, 1619 (O. S.). As this was the first Legislative Assembly which met in America, and was the beginning of the free institutions which we now enjoy, I have thought it would be of interest to give some account of it, and of its proceedings.

The place of meeting was the Episcopal Church, a wooden building sixty feet long and twenty-four wide. Its Communion Table was of black walnut; its pulpit, chancel, and pews, of cedar. It had handsome wide windows, also made of cedar, which could be shut and opened, according to the weather. A green velvet chair was placed in the choir, in which the Governor sat. The building was so constructed as to be very light within, and we are told that the Governor caused it to be kept "passing sweet and trimmed up with divers flowers." The native Virginia flowers in season were doubtless used. There might be seen festoons of the Trumpet creeper, with its splendid scarlet flower, mingled with the sweet-smelling white honey-suckle, and clematis, some of the latter with beautiful white clusters, and others with lovely bell-shaped feathery flowers, cream colored, and touched with purple, while the pulpit and Communion Table were decked with pink sweet-briar and swamp roses, and red swamp lilies.

On the memorable morning of the 30th of July, 1619, the Governor went in state to the Church. He was accompanied by the Councillors and officers of the Colony, with a guard of Halberdiers dressed in the Governor's livery. Behind them walked, with becoming dignity, the twenty-two newly-elected Burgesses.

In the contemporaneous account sent to England by the Speaker, we are told: "The most convenient place we could finde to sitt in was the Quire of the Church, where Sir George Yeardley, the Governour, being sett down in his accustomed place, those of the Counsel of Estate sate nexte him on both handes, excepte only the Secretary, then appointed Speaker, who sate right before him, John Twine, Clerke of the General Assembly, being placed nexte the Speaker, and Thomas Pierse, the Sergeant, standing at the barre, to be ready for any service the Assembly should command him. But forasmuche as men's affaires doe little prosper where God's service is neglected, all the Burgesses tooke their places in the Quire till a prayer was said by Mr. Bucke, the minister, that it would please God to guide and sanctifie all our proceedings to his owne glory, and the good of this plantation. Prayer being ended, to the intente that as we had begun at God Almighty, so we might proceed with awful and due respecte towards the Lieutenant, our most gratious and dread Soveraigne, all the Burgesses were intreated to retyre themselves into the body of the Churche, which being done, before they were freely admitted, they were called to order and by name, and so every man (none staggering at it) tooke the oathe of Supremacy, and then entered the Assembly."

And now that the Assembly has been duly constituted, let us look upon the men who composed it. They are all Englishmen of a high type, and following ancient custom, they sit with their hats on. Sir George Yeardley was the first cousin of the step-father of John Harvard, founder of Harvard College. He had been educated to arms in Holland, where he had fought for Protestantism in the cruel war waged for its extermination by Spain. He had been a subscriber to the London Company under its Second Charter, and had come to Virginia with Sir Thomas Gates in 1609, escaping the dangers of the famous wreck on the Bermudas, which, it is said, suggested to Shakespeare "The Tempest." He had acted as Governor for a year after the departure of Sir Thomas Dale in 1616, and then, having married, he went to England where he was commissioned as Governor on the 18th of November, 1618, to succeed the treacherous Argall. Upon his appointment, he had been knighted by the King at New Market, and was proud of his newly-acquired honor. This he showed in his bearing. He was a man of wealth, and of well-deserved influence. The Councillors, who sat on his right and his left, were men of mark. Among them was Captain Francis West, the son of Sir Thomas West, the Second Lord De la Warr. He came to Virginia with Newport, in July, 1608, and was

made a member of the Council the next year. He also subscribed under the Second Charter. He had been put in command of the fort at the Falls of James River (Richmond), and had been President of the Council in 1612. He had settled at West Hundred, since known as Westover, around which has centered so much of historic interest, both during the Revolution and in the late war. He was subsequently to become the Governor of Virginia. He was a direct descendant of William, the Conqueror, and proved himself to be a man of nerve in his resistance to the planting of Maryland by Lord Baltimore within the limits of Virginia.

Captain Nathaniel Powell had come with the first colonists; had been with Newport when he explored the York River, and with Smith when he explored the Chesapeake Bay. He was a man of culture, and kept an account of occurrences in the Colony, which was freely used by Captain Smith in his History of Virginia. Both he and his wife were afterwards among the victims of the Indian massacre, which occurred March 22d, 1622.

John Rolfe had come to Virginia with Sir Thomas Gates, and had been in the wreck upon the Bermudas. In 1612 he had introduced the systematic culture of tobacco in Virginia. In 1614 he had married the Princess Pocahontas, whom he carried to England in 1616. On their way homeward the Princess had died at Gravesend, in March, 1617. He was also a man of cultivation, and had written one or more tracts upon Virginia.

The Rev. William Wickham was of a prominent family, engaged in the East India service. He added the dignity of the Clergy to the Assembly in which he sat.

Captain Samuel Maycock was a Cambridge scholar, a gentleman of birth, virtue, and industry, who was also doomed to fall in the Indian massacre.

John Pory, Secretary of the Colony, sat as the Speaker of the Burghesses. He had been educated at Cambridge, and was an accomplished scholar. He was a disciple of the celebrated Hackluyt, who left the highest testimonial to his learning. He had been a great traveller, and had published, in 1600, a Geographical History of Africa, which contained a good account of Abyssinia, a map of Africa, and a tracing of the Nile from an inland lake. Having served in Parliament he was able to give order to their proceedings, and proper form to their acts.

The names of John Twine, Clerk, and Thomas Pierse, Sergeant, suggest at once the actors in a famous litigation, one of the leading cases in English jurisprudence. It is known as Twine's case, and is reported by Lord Coke. Pierse was indebted to Twine four hundred pounds, and conveyed his property, valued at three hundred pounds, to secure the debt. But the conveyance was declared to be void, as in

conflict with the statute of 13 Elizabeth against fraudulent conveyances.

Turning now to the Burgesses, we find Captain Wm. Powell and Ensign William Spence sitting for Charles City. Captain Powell, a subscriber under the Second Charter, came to Virginia with Gates in 1611, and was the gunner at Jamestown. He was one of the first to whom the plot of the Indians for murdering the Colonists was revealed, and was instrumental in giving warning to the plantations nearest Jamestown. He became very active afterwards in taking revenge upon the Indians for the massacre, and it is believed that he was killed by them on the Chickahominy in January, 1623.

The representatives for Charles City were Samuel Sharp and Samuel Jordan, names that have been honored in the subsequent history of Virginia. Samuel Jordan came to Virginia at an early date. His plantation was perhaps the first in Virginia to which an alliterative name was given. It was called "Jordon's Journey." He survived the Indian Massacre, and gathered some of the stragglers about him at a place called "Beggar's Bush," where we are told "he fortified and lived in despight of the enemy." Within a few weeks after his death, in 1623, his widow, Cicely, distinguished herself greatly by introducing into the Colony the art of flirting, an art which has been practiced somewhat in Virginia ever since. It was alleged that she had accepted two suitors, the Rev. Greville Pooley, and Mr. William Ferrar. Each claimed her hand. Their hot dispute was carried before the Council. That body, after solemn consideration, declared that the case was too knotty for them, and referred it to the Council in London. We are not informed as to their decision.

Thomas Dowse and John Polentine represented the City of Henricus, located at what is now known as Dutch Gap. The first came to Virginia as early as 1608, and was one of the few of the early settlers that survived. The second survived the Massacre, and visited England in 1626.

For Kiccowntan, Captain William Tucker and William Capp sat. The first, a subscriber under the third Charter, after sending over two men with Ralph Hamor in January, 1617, soon after came to Virginia himself. He was a merchant and trader, and made many voyages to England. After 1719, he served for many years as a Councillor. He was one of the most active and efficient in avenging upon the Indians their cruel massacre of 1622.

William Capp was an ancient planter, and one of the first settlers. We find him surviving all the dangers of the Colony, and living as late as 1630.

Captain Thomas Graves and Mr. Walter Shelley sat for Smythe's Hundred. The first, a subscriber under the second Charter, had come to Virginia in 1608. We find him soon after this Assembly living on the

Eastern shore, and representing Accomac as a Burgess. He was a member of the first regular vestry of the parish 1635.

Walter Shelley, to whom doubtless the poet was related, was one of the original subscribers to the London Company who afterwards came to the Colony. On the third day of the Assembly, we find the following brief but touching entry in the Journal : " Sunday, August the first ; Mr. Shelley, one of the Burgesses, deceased."

The representatives for Martin's Hundred were John Boys and John Jackson. The first was a victim of the Indian massacre of 1622. The second, whose name seems some times to have been spelled Juxon, was a kinsman of Bishop William Juxon, who attended Charles the First on the scaffold, and to whom the King is said to have addressed his last mysterious word, " Remember."

Captain Thomas Pawlett and Mr. Gourgaing represented Argall's Guifte.

Capt. Pawlett was a brother of John Pawlett, who was elevated to the Peerage in 1627, as Baron Pawlett of Hinton, St. George. In 1637 Capt. Pawlett owned Westover, which he left at his death to his brother, Lord Pawlett, whose son sold the property to Theodoric Bland in April, 1665. The tract then contained 1200 acres, and was sold for 170 pounds.

Flouer dieu Hundred was represented by Ensign Roshingham (a nephew of the Governor), and Mr. Jefferson, with whom the celebrated Thomas Jefferson claimed relationship.

Capt. Christopher Lawne and Ensign Washer represented Captain Lawne's Plantation, afterwards known as " Isle of Wight Plantation." Captain Lawne only lived a year after the meeting of the Assembly.

Captain Ward's Plantation was only commenced in 1618, and was represented by Captain Warde himself and Lieutenant Gibbes.

Lieutenant Gibbes was doubtless a son of Thomas Gibbes, who was a member of his Majesty's Council, for the Virginia Company in London.

Thomas Davis and Robert Stacy, who had been sent from Capt. John Martin's Plantation, had been excluded from the Assembly.

The Rev. Richard Bucke, the officiating minister, was educated at Oxford, and was an able and learned Divine. He came to Virginia in 1609, and was wrecked on the Bermudas, where he christened a child of John Rolfe's, born on that Island. He married in Virginia, was the minister at Jamestown, where in 1614 he performed the marriage ceremony between Rolfe and the Indian Princess Pocahontas. Rolfe described him as " a verie good preacher." The Church in which the Assembly met had been built for him " wholly at the charge of the inhabitants of James City." He was on intimate terms with Rolfe, and was one of the witnesses to his will in March, 1621.

After a session of five days, the body adjourned, " Being constrained," as they expressed it, " by the intemperature of the weather and the fall-

ing sick of diverse of the Burgesses, to break up so abruptly—before they had so much as putt their lawes to engrossing, this they wholly comited to the fidelity of their Speaker." During these five days, much was accomplished. When we look at the acts of this body, we are struck with their just conception of their rights as a new assembly. They asserted the right to judge of the election and return of their members, and, in its exercise, excluded the delegates sent from the Plantation of Capt. John Martin, because, by the terms of his patent, he appeared to be exempt from the general form of government which had been given the Colony; and in addition they petitioned the London Company that they would examine the patent of Capt. Martin, and "in case they shall finde anything in this, or in any other parte of his graunte whereby that clause towardes the conclusion of the great charter (viz., that all grauntes as well of the one sorte as of the other, respectively, be made with equal favour, and grauntes of like liberties and imunitiess as neer as may be, to the ende that all complainte of partiality and indifference may be avoided) might in any sorte be contradicted, or the uniformity and equality of lawes and orders extending over the whole Colony might be impeached. That they would be pleased to remove any such hindrance as may diverte out of the true course the free and public current of Justice." Thus early did Virginia insist upon the equality of her citizens before the law, a principle inserted in her Declaration of Rights in 1776, when she became a State, in the provisions "that no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services"; and, "that the people have a right to uniform government, and therefore that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof."

Having thus purged their roll, the Assembly proceeded, according to their Speaker's report, as follows: "The Speaker, who a long time had been extreame sickly, and therefore not able to passe through long harangues, delivered in briefe to the whole assembly the occasions of their meeting. Which done, he read unto them the commission for establishing the counsell of estate, and the general assembly, wherein their duties were described to the life. Having thus prepared them, he read over unto them the great Charter, or commission of priviledges, orders, and lawes, sent by Sir George Yeardley out of England; which, for the more ease of the committees, having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over, and so they were referred to the perusall of two committees, which did reciprocally consider of either, and accordingly brought in their opinions * * * * * * * * * * in case we should find ought not perfectly squaring with the state of this Colony, or any lawe which did presse or binde too harde, that we might, by waye of humble peti-

tion, seeke to have it redressed, especially because this great Charter is to binde us and our heyers forever."

Nothing can throw a clearer light on the state of the colony than the acts of this assembly.

The committees, when they reported on the first two books, submitted six petitions to be sent to the Virginia Company of London. They were wisely framed in view of the needs of the Colony, and were agreed to by the Assembly.

The first was that the lands theretofore granted by patent to the planters, be not taken from them in the allotments of lands to the Governor, and his council, the officers of incorporations, and the members of the London Company. The second, that the London Company send, with convenient speed, men to occupy their lands belonging to the four corporations, and also tenants for the glebe land of the ministers of these corporations. The third, that the planters who came before Sir Thomas Dale's departure in 1616, be put upon the same footing with those to whom land was granted afterwards, and that a single share apiece be granted to the male children born in Virginia, and to their wives, "because," they say, "that in a newe plantation it is not known whether man or woman be the more necessary." The importance of this petition will appear when we remember that on the return of Dale in July, 1616, the London Company determined to give the planters a fixed property in the soil, and to confirm every man's portion "as a state of inheritance to him and his heyers forever, with bounds and limits under the Companies seale, to be holden of his Majestie as of his Manour of East Greenwich, in socage tenure, and not in capite." The fourth, that a sub-treasurer be appointed here to collect the rents of the London Company, instead of requiring the impossibility of payng them in England, "and that they would enjoine the said sub-treasurer not precisely according to the letter of the Charter, to exacte money of us (whereof we have none at all, as we have no minte) but the true value of the rente in comodity."

The fifth, that "towards the erecting of the university and college, they will sende, when they shall thinke it most convenient, workmen of all sortes, fitt for that purpose." The sixth, that the savage name of Kiccowntan be changed and a new name be given to that incorporation. This was done, and the place was named Hampton.

The purpose of establishing a university and college thus early manifested by the Virginians, was to be advanced by working a large tract of land granted for that purpose at Henrico, or Henricus, some twelve miles below Richmond. The plantation unfortuately was broken up by the Indian Massacre in 1622, and the establishment of the college was thus postponed till the reign of William and Mary, and then it was located at Williamsburg, and named after the two sovereigns.

The Speaker's report continued as follows: "These petitions thus

concluded on, those twor committees brought a reporte what they had observed in the too latter booke, which was nothing else but that the perfection of them was such as that they could find nothing in them subject to exception * * * * * at the same time there remaining no farther scruple in the mindes of the Assembly touching the said great Charter of Lawes, orders and privileges, the Speaker putt the same to the question, and so it hath both a general assent and the applause of the whole Assembly. * * * * * This being dispatched, we fell once more debating of such instructions given by the Counsell in England to several Governor's as might be converted into lawes."

Of these enacted into laws, the first was fixing the value of tobacco to be taken either for commodities, or for bills, at three shillings a pound for the best, and eighteen pence a pound for the second quality. Then followed laws against idleness, gaming, drunkenness, and excess in apparel. The provision concerning apparel is interesting. It was, "That every man be cessed (assessed) in the Churche for all publique contributions; if he be unmarried according to his owne apparell; if he be married, according to his owne and his wives, or either of their apparell." It may be safely said, that had female suffrage existed in the Colony, this Church tax would have been placed entirely on the unmarried men.

Other of this class of laws related to intercourse with the Indians, and to educating and Christianizing them, to the planting of corn, mulberry trees, silk-flax, hemp and grapevines, to the regulation of contracts with trades people, tenants, and servants, and to the management of the magazine or storehouse of the Colony.

On the 3rd of August the Assembly entered upon the consideration of the third sort of laws. "Suche as might proceed out of every man's private conceipt." They were referred to the two committees, and were reported and adopted the next day. These allowed freemen to trade with the Indians, but contained stringent enactments against selling or giving them hoes, dogs, shot, powder, or fire arms. As to these three last named the penalty was death. Fines were imposed on persons going twenty miles from home, or absenting themselves seven days, or visiting the Indians, without leave of the Governor, or of the Commander of the place of their habitation. Provision was made for taking a census of the inhabitants, and for record and report by the Ministers of all christenings, burials, and marriages. The killing of neat cattle and oxen, without leave of the Governor, was forbidden. The taking of the boats, cars, and canoes of the neighbors, and thefts from the Indians, were made punishable. Ministers were required to conduct worship according to the laws and orders of the Church of England, and to catechise every Sunday afternoon those "not yet ripe to come to the Communion." The Ministers and Church Wardens were required to present all ungodly disorders, and a fine of five shillings for the use

of the Church was imposed upon those who were guilty of swearing, after thrice admonition. All persons were required to attend Divine service on the Sabbath day; the men to come with their fire arms. Persons trading in the Bay were required to give security that they would not wrong the Indians; and the marriages and contracts of servants were regulated.

The Assembly sat as a Court in two matters brought before it. The first was on the complaint of Captain Wm. Powell against one Thomas Garnett, his servant. The behavior of the servant had been so wicked and obscene that he was condemned to have his ears nailed to the Pillory for four days, and to be publicly whipped each day. This seemingly harsh punishment should be viewed in the light of the age, which had little of the humanitarian feeling of the present day; and beside, the Colony was limited in the punishment it could employ.

The other case was that of Captain Henry Spelman. Robert Poole, the interpreter of the Indian language, charged him with speaking irreverently and maliciously of the Governor, to Opechancano, the great Indian Chief. Part of the words charged to have been spoken Spelman confessed, but the greater part he denied. In view of this fact, the Assembly was unwilling to inflict the severest punishment on him, upon the testimony of one witness. It was determined to degrade him from his title and position as a Captain, and require him to serve the Colony for seven years as an interpreter to the Governor.

This Henry Spelman had a notable career. He was the third son of the distinguished antiquarian, Sir Henry Spelman, of Conghan, Norfolk, England. He was a wild boy. He came to Virginia in 1609, when about twenty-one years of age, "beinge in displeasuer of my friendes, and desirous to see other countryes," as he tells us. Soon after his arrival he relates that Capt. John Smith, then President of the Colony, carried him to the fall of James River, and sold him to the Indian Chieftain, Little Powhatan, for a town called Powhatan. Dr. Simons, however, states, in Smith's General History, that when Captain Sickelmore, with some thirty others, were slain by Powhatan in 1609, Pocahontas saved the life of Henry Spelman, and he lived many years afterwards with the Indians. He afterward visited England, and on his return to Virginia was made a Captain. He was sent with twenty-six men, in 1623, to trade in the River Potowmac and was surprised and slain, with five of his men, by the Indians. He wrote an account of his observations while living with the Indians, which was discovered at the sale of a library by James F. Hunniwell, Esq., who published it in 1872.

Every male above 16 was required to contribute one pound of tobacco for compensation to the Speaker, Clerk, and Sergeant for their services.

The Session concluded with several petitions to the London Company, the two last of which are in these words :

"Thirdly, the General Assembly doth humbly beseeche the said

Treasurer, counsell, and Company, that albeit it belongeth to them onely to allowe or to abrogate any lawes which we shall here make, and that it is their right so to doe yet that it would please them not to take it in ill parte if these lawes which we have nowe brought to light, do passe current and be of force till suche time as we may knowe their farther pleasure out of Englande in, for otherwise, this people (who now at length have gotten the raines of former servitude into their own swindge) would in shorte time grow so insolent, as they would shake off all government, and there would be no living among them. Their last humble suite is, that the said Counsell and Company would be pleased, so soon as they shall finde it convenient, to make good their promise sett down at the conclusion of their commission, for establishing the counsell of estate and the General Assembly, namely, that they will give us power to allowe or disallowe of their orders of courts, as his Majesty hath given them power to allowe or reject our lawes."

The question of the validity of the acts of the Assembly till they were disallowed by the authorities in England, was one which was unsettled in the year 1758, when the act passed which permitted debts contracted to be paid in tobacco, to be solved in currency at a fixed rate; the resistance to which, by the Clergy, gave rise to the famous "Parson's cause." The power to disallow the orders of the London Company was a great stride in the direction of independent local government, and the promise of it by the London Company shows to what extent the spirit of liberty was nourished in that celebrated body during the arbitrary reign of James the First, a fact that excited his hatred of the corporation, and caused him to take from it its Charter.

Hutchinson, the Tory historian, wrote: "In 1619 a House of Burgesses broke out at Jamestown." He evidently regarded it as if it had been the plague, and a plague it was to all those who endeavored to tyranize the colony. As early as 1623 the Assembly enacted, "That the Governor shall not lay any taxes or ympositions upon the Colony, their lands or comodities, other way than by the authority of the General Assembly, to be levyed and ymployed as the said Assembly shall appoynt." In 1631, they enacted that "the Governor and Council shall not lay any taxes and ympositions, etc., including in the prohibition the Council with the Governor. In 1632 this latter act was re-enacted verbatim. The same thing occurred in 1642. In 1645, they enacted that "no leavies be raised within the Colony but by a general grand assembly." In 1651, when they agreed with the Commissioners sent out by Cromwell, one article was, "that Virginia shall be free from all taxes, customes, and impositions, whatsoever, and none to be imposed on them without consent of the Grand Assembly."

In 1666, upon the request of Governor Berkley "that two or more of the Council might join with the house in granting and confirming the levy," the house answered, "That they conceive it their privilege to lay

the levy in the House, and that the House will admit nothing without reference from the honorable Governour, unless it be before adjudged and confirmed by act or order, and after passing in the House shall be humbly presented to their honours for approbation or dissent." These were not vain repetitions, but were earnest reiterations of the sole right of the people to tax themselves through their representatives, made during contests with the Executive power, and indicate a stubborn determination to defend the great bulwark of English liberty. So exasperated had the Burgesses become in these contests, that we find them at length challenging the right of the Governor to veto their acts.

In 1686, James the Second wrote a sharp letter, ordering the Assembly to be dissolved, because the House of Burgesses "have presumed so far as to raise contests touching the power of the negative voice, wherewith our Governour is intrusted by us." As a result of their struggles, the Assembly enjoyed exclusively this great right of taxation uninterruptedly until 1765, when Parliament undertook to tax Virginia without the consent of her Assembly. We can well understand the alarm which this attempt produced, and can appreciate the inherited fortitude of the Burgesses of that year in adopting their famous resolutions against the Stamp Act, in which they declared, "that the General Assembly of this Colony have the sole right and power to lay taxes, and impositions upon the inhabitants of this Colony; and that every attempt to vest such power in any person or persons, whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy British, as well as American freedom."

The publication of these resolves fired the Colonies (they all having continuously claimed the same right), and "set in motion the ball of the Revolution," the glorious fruits of which we this day enjoy.

W. W. HENRY.